

RULES OF PROCEDURE TRAFFIC TRIBUNAL

I. Scope, Purpose and Construction

1. Scope and applicability. - These rules govern the procedure in the Traffic Tribunal and in the municipal courts in all civil traffic violations. When used in these rules, the term "court" shall mean the Rhode Island Traffic Tribunal or a municipal court, as may be appropriate.

2. Purpose and construction. - These rules are intended to provide for the just determination of every civil traffic violation proceeding to which they apply. They shall be construed to secure simplicity in procedure, fairness in administration and the elimination of unjustifiable expense and delay; they shall also be construed consistent with the fact that they constitute the rules for the adjudication of civil, not criminal, violations of the traffic code.

II. Preliminary Proceedings in Civil Traffic Violation Cases.

3. The summons. - (a) The summons consists of a listing of the civil traffic violations alleged and a requirement that the defendant appear in court on the date and time and at the place indicated thereon. For the purposes of these rules, the terms "ticket," "citation," and "summons" are synonymous and may be used interchangeably. The summons shall be on a form prescribed by the Chief Judge of the District Court.

(b) The summons shall be signed by the officer and served upon the motorist. The truth and validity of the facts supporting the charge(s) shall be sworn to before a notary public or other person authorized by law to administer oaths. The summons shall contain a date upon which the defendant must appear in court. The summons shall be signed by the motorist to acknowledge receipt.

(c) If the summons is one which may be paid administratively pursuant to law, the officer shall note the full amount of the fines required to be paid thereupon.

(d) A summons which provides the defendant and the court with adequate notice of the offense being charged shall be sufficient if the offense is charged by using the name given to the offense by statute. The summons shall state for each count the official or customary citation of any statute, rule, regulation or other provision of law which the defendant is alleged therein to have violated. An error or an omission in the summons shall not be grounds for dismissal of the complaint or for reversal of a conviction if the error or omission did not mislead the defendant to his or her prejudice.

(e) The court may permit a summons to be amended at any time before verdict or finding if no additional or different offense is charged and if substantial rights of the defendant are not prejudiced. With the consent of the defendant, a summons may be amended at any time before verdict or finding if a different offense is charged if the court finds such amendment to be in the interests of justice.

4. Joinder of offenses. - Two or more offenses may be charged in the same summons in a separate count for each offense if the offenses charged are based on the same act or transaction. The number of offenses charged on one or more summonses arising out of the

same transaction shall not affect the eligibility of the summonses to be paid administratively pursuant to Rule 5.

5. Administrative payment of summonses. - (a) Any summons which may be paid administratively pursuant to law, may be paid administratively by mail or in person at the offices of the Traffic Tribunal or the Municipal Court within the time established by law as set forth on the summons.

(b) Administrative payment must be made in full.

(c) If a payment is made by mail, it shall be deemed to have been sent on the date of postmark.

(d) Payment of the summons shall be deemed an admission of guilt to the civil offense charged.

6. Arraignment. - (a) *Procedure.* Except in cases wherein payment has been made administratively pursuant to Rule 5, all defendants shall appear before a judge or magistrate of the court for arraignment on the date and time indicated and at the place indicated on the summons. The police department which charged the summons shall be represented by a prosecution officer. If a defendant appears without counsel, the court shall advise the defendant of his or her right to be represented by counsel.

Arraignment shall be conducted in open court and shall consist of reading the summons to the defendant or stating to the defendant the substance of the charge and calling on the defendant to plead thereto. The judge/magistrate conducting the arraignment shall notify defendants of the "good driving record" statute. Pleas shall be in the form prescribed by Rule 7 of these rules.

(b) *Default and/or dismissal.* If the defendant or the prosecution shall fail to appear, verdict may enter accordingly pursuant to Rule 17.

7. Pleas. - (a) A defendant may plead "guilty" or "not guilty" or seek a dismissal based on a good driving record. The court may refuse to accept a plea of guilty, and shall not accept such plea without first addressing the defendant personally and determining that the plea is made voluntarily with understanding of the nature of the charge and the sentence to be imposed. If a defendant refuses to plead or if the court refuses to accept a plea of guilty the court shall enter a plea of not guilty. The court shall not enter a judgment upon a plea of guilty unless it is satisfied that there is a factual basis for the plea.

(b) *Good driving record.* The defendant may seek a dismissal based on a "good driving record" pursuant to the provisions of § 31-41.1-7 of the general laws. If the defendant is eligible, the court may dismiss the matter upon payment of costs. Out-of-state motorists should submit a copy of the driving record obtained from their registry of motor vehicles, or other licensing authority.

8. Pleadings and motions before trial. - (a) Any defense or objection which is capable of determination without the trial of the general issue may be raised before trial by motion to dismiss or to grant appropriate relief, as provided in these rules.

(b) The motion shall be made no later than fourteen (14) days after the plea is entered, but the court may permit it to be made within a reasonable time thereafter.

(c) A motion before trial raising defenses or objections shall be determined before trial unless the court orders that it be deferred for determination at the trial of the general issue.

9. Trial together of summonses. - The court may order two or more summonses to be tried together if the offenses could have been joined in a single summons. The court may order two or more defendants to be tried together if they are alleged to have participated in the same act or transaction or in the same series of acts or transactions constituting an offense or offenses.

10. Depositions. - (a) *Refusal cases.* In cases where the motorist has been charged with refusal to submit to a chemical test, the procedure for the taking of depositions set forth in rules 29 and 30 of the District Court Rules of Civil Procedure shall be followed. All expenses shall be borne by the party noticing and taking the deposition.

(b) *Other cases.* In all other cases of extraordinary and manifest necessity, in order to prevent a failure of justice, the court at any time after the filing of the summons may upon motion of a party order that a witness's testimony be taken by deposition. In such cases, the procedure for the taking of depositions in the district court as set forth in rules 29 and 30 of the District Court Rules of Civil Procedure shall be followed with all expenses borne by the party movant.

11. Discovery and inspection. - (a) *Defendant's statements.* Reports of examinations and tests: Police reports and statements showing a person has been advised of his or her rights shall be made available to the defendant upon written request by the defendant; the Attorney for the state, city, town or agency shall permit the defendant to inspect and copy or photograph said statements and reports.

(b) *Other books, papers, documents, tangible objects or places.* Upon motion of a defendant the court may order the attorney for the State to permit the defendant to inspect and copy or photograph books, papers, documents, photographs, tangible objects, buildings or places, or copies or portions thereof which are within the possession, custody or control of the State, upon a showing of materiality to the preparation of the defendant's defense and that the request is reasonable.

(c) *Discovery by the state.* If the court grants relief sought by the defendant under subdivision (b) of this rule, it may, upon motion of the State condition its order by requiring that the defendant permit the State to inspect and copy or photograph scientific or medical reports, books, papers, documents, tangible objects, or copies or portions thereof, which the defendant intends to produce at the trial and which are within the defendant's possession, custody or control, upon a showing of materiality to the preparation of the State's case and the request is reasonable.

(d) *Protective orders.* Upon a sufficient showing the court may at any time order that the discovery or inspection be denied, restricted or deferred or make such other order as is appropriate.

(e) *Time of motions.* A motion or written request under this rule may be made only within

fourteen (14) days after arraignment or at such reasonable later time as the court may permit. The motion shall include all relief sought under this rule. A subsequent motion may be made only upon a showing of cause why such motion would be in the interest of justice.

(f) *Continuing duty to disclose; failure to comply.* If, subsequent to compliance with an order issued pursuant to this rule, and prior to or during trial, a party discovers additional material previously requested or ordered which is subject to discovery or inspection under the rule, the party shall promptly notify the other party's attorney or the court of the existence of the additional material. If at any time during the course of the proceedings it is brought to the attention of the court that a party has failed to comply with this rule or with an order issued pursuant to this rule, the court may order such party to permit the discovery or inspection of materials not previously disclosed, grant a continuance, or prohibit the party from introducing in evidence the material not disclosed, or it may enter such other order as it deems just under the circumstances.

12. Subpoena. - (a) *For attendance of witnesses; form; issuance.* Every subpoena shall be issued by the clerk of court or a notary public or other officer authorized by statute, shall state the name of the court and the title of the action, and shall command each person to whom it is directed to attend and give testimony at a time and place therein specified. (b) *For production of documentary evidence and of objects.* A subpoena may also command the person to whom it is directed to produce the books, papers, documents, or tangible things designated therein. The court on motion made promptly may quash or modify the subpoena if compliance would be unreasonable or oppressive. The court may direct that books, papers, documents or objects designated in the subpoena be produced before the court at a time prior to the trial or prior to the time when they are to be offered in evidence and may upon their production permit the books, papers, documents or objects or portions thereof to be inspected by the parties and their attorneys.

(c) *Service.* A subpoena may be served by the sheriff, by the sheriff's deputy, by a constable, or by any other person who is not a party and who is not less than 18 years of age. Service of a subpoena shall be made by delivering a copy thereof to the person named and by tendering to the person the fee for one day's attendance and the mileage allowed by law. When the subpoena is issued in behalf of the State or an officer or agency thereof, fees and mileage need not be tendered.

(d) *Place of service.* A subpoena requiring the attendance of a witness at a hearing or trial may be served at any place within the State of Rhode Island.

13. Place of prosecution and trial. - (a) *Traffic tribunal.* With regard to matters pending before the traffic tribunal, the prosecution and trial shall be had at a place designated by the chief judge.

(b) *Municipal courts.* With regard to matters before a municipal court, the prosecution and trial shall be had at the place determined by law.

14. Motion to transfer. - (a) *Traffic tribunal.* For the convenience of parties and witnesses, and in the interest of justice, the court upon motion of the defendant may transfer the proceeding as to the defendant to another session of the court held at a different place.

(b) *Municipal court.* In the event of the inability of all judges of a municipal court to hear and

decide a matter within the jurisdiction of that municipal court pursuant to Chapter 18 of Title 8, the matter shall be transferred to the traffic tribunal for further proceedings consistent with law.

(c) *Time of motion.* A motion to transfer under these rules may be made at or before arraignment or at such other time as the court or these rules may prescribe.

III. Trial and Judgment in Civil Traffic Violation Cases.

15. Trials. - (a) *Opening statements.* Opening statements shall be permitted; a time limit of not less than five (5) minutes shall be set within the discretion of the trial judge.

(b) *Evidence. Form and admissibility.* In all trials the testimony of witnesses shall be taken orally in open court, unless otherwise provided by statute or by these rules. All evidence shall be admitted which is admissible under the statutes of this State, or under the rules of evidence applied in the courts of this State. The competency of a witness to testify shall be determined in like manner.

(c) *Closing arguments.* Closing arguments shall be permitted; a time limit of not less than five (5) minutes may be set within the discretion of the trial judge.

16. Motion to dismiss. - The court on motion of a defendant or of its own motion shall, at the close of the evidence offered by the prosecution, order the dismissal of one or more offenses charged in the summons if the evidence is insufficient to sustain a conviction of such offense or offenses to a standard of clear and convincing evidence. If a defendant's motion to dismiss is not granted, the defendant may offer evidence without having reserved the right.

17. Verdict. - (a) *Burden of proof.* The burden of proof shall be on the prosecution to a standard of clear and convincing evidence. Verdict on the general issue shall be guilty or not guilty.

(b) *Default.* If a motorist shall fail to appear at a trial and/or arraignment despite notice having been given, the case may be defaulted against the motorist. If the truth and validity of the allegations on the summons have been sworn to by the officer issuing same, or if testimony is given providing proof of facts supporting the validity of the summons, and the service of the notice has been established, a default judgment of guilty may enter against the defendant. The defendant's driving license and/or privileges shall be ordered suspended pending compliance with the sentence imposed.

(c) *Dismissal.* If the prosecution fails to appear for trial and/or arraignment, the matter may be dismissed.

18. Sentence and judgment. - (a) *Sentence.* Upon plea or verdict of guilty, sentence shall be imposed without unreasonable delay. Before imposing sentence the court shall afford counsel an opportunity to speak on behalf of the defendant and shall address the defendant personally and ask the defendant if the defendant wishes to make a statement in his or her own behalf and to present any information in mitigation of punishment.

(b) *Notification of right to appeal.* After imposing sentence the court shall advise the defendant of his or her right to appeal to an appellate panel of the traffic tribunal.

(c) *Judgment.* All judgments shall be in writing. A judgment of conviction shall set forth the

verdict or the plea, the adjudication, and sentence. If the defendant is found not guilty or the charge is dismissed, judgment shall be entered accordingly. The judgment shall be signed by the judge.

(d) *Withdrawal of plea.* A motion to withdraw a plea of guilty may be made only before sentence is imposed.

19. Clerical mistakes. - Clerical mistakes in judgments, orders or other parts of the record and errors therein arising from oversight or omission may be corrected by the court at any time on its own initiative or on the motion of any party and after such notice, if any, as the court orders.

20. Relief from judgment or order. - On motion and upon such terms as are just the court may relieve a party or the party's legal representative from a final judgment, order, or proceeding for the following reasons:

(1) mistake, inadvertence, surprise, or excusable neglect;

(2) newly discovered evidence;

(3) fraud (whether heretofore denominated intrinsic or extrinsic), misrepresentation, or other misconduct of an adverse party;

(4) the judgment is void;

(5) the judgment has been satisfied, released, or discharged or a prior judgment upon which it is based has been reversed or otherwise vacated, or it is no longer equitable that the judgment should have prospective application; or

(6) any other reason justifying relief from the operation of the judgment, in whole or in part. The motion shall be made within a reasonable time, and not more than one year after the judgment, order, or proceeding was entered or taken. A motion under this rule does not affect the finality of a judgment or suspend its operation.

21. Appeals from decisions in civil traffic violation cases. - (a) Appeals Panel. Any party aggrieved by a sentence or a judgment of a court in a civil traffic violation may appeal therefrom to the appeals panel of the traffic tribunal. Appeal may be claimed by filing a written notice of appeal on a form prescribed by the Chief Judge and, in the case of a defendant, by submitting the appeal filing fee of twenty-five dollars (\$25.00). The filing fee is waived when an appeal is taken by the state, the municipality or other prosecuting authority. The notice of appeal shall contain a concise statement of the grounds therefor. Notice of appeal shall be filed within ten (10) days of the imposition of sentence or judgment appealed from.

(b) Appeal to the District Court. Any party aggrieved by a decision of the appeals panel may appeal therefrom to the Sixth Division District Court. Appeal may be claimed by filing a written notice of appeal on a form prescribed by the Chief Judge and, in the case of a defendant, by submitting the appeal filing fee of twenty-five dollars (\$25.00). The filing fee is waived when an appeal is taken by the state, the municipality or other prosecuting authority. The notice of appeal

shall contain a concise statement of the grounds therefor. Notice of appeal shall be filed within ten (10) days after the entry of the appellate judgment.

(c) *In forma pauperis*. In appropriate cases, a defendant shall be permitted to proceed in forma pauperis.

IV. Post-Judgment Proceedings.

22. Collection of judgments. - Collection of judgments shall generally follow the course of civil practice in the district court as enumerated in rule 69 of the district court rules of civil procedure including execution, supplementary proceedings, the issuance of decree for installment payments, trustee process, and contempt proceedings to the extent applicable.

V. General Provisions.

23. Presence of the defendant. - (a) *Right to presence*. The defendant shall be present at the arraignment and at the imposition of sentence, except as otherwise provided by statute or by these rules. The defendant shall be present at every stage of the trial, except that the defendant may be excluded from the proceedings if, after appropriate warning, the defendant persists in conducting himself or herself in a manner so disorderly, disruptive, and disrespectful of the court that the trial cannot be carried on with the defendant in the courtroom.

(b) *Waiver of presence*. A defendant who is represented by counsel may waive his or her right to be present by filing a waiver thereof.

(c) *Corporate defendants*. A corporation shall appear by counsel for all purposes, except that if a corporation that has assets under one million dollars (\$1,000,000.00) and is a close corporation as set forth in Section 7-1.1-51 of the General Laws, then that corporation may designate a representative to pay or arrange for payment of potential fines not in excess of five hundred dollars (\$500.00). A designation pursuant to this subdivision shall be filed with the Traffic Tribunal. No person shall be designated pursuant to this subdivision who is not an owner, officer, or who has not been an employee of the corporation for longer than one (1) year.

24. [Reserved][for contempt procedures].

25. Time. - (a) *Computation*. In computing any period of time prescribed or allowed by these rules, by order of court or by any applicable statute, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period is to be included, unless it is a Saturday, Sunday or a legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, a Sunday, nor a holiday.

(b) *Enlargement*. When by these rules or by a notice given thereunder or by order of court an act is required or allowed to be done at or within a specified time, the court for cause shown may at any time in its discretion (1) with or without motion or notice, order the period enlarged if request therefor is made before the expiration of the period originally prescribed or as extended by a previous order, or (2) upon motion made after the expiration of the specified period permit the act to be done where the failure to act was the result of excusable neglect.

(c) *For motions-affidavits*. A written motion, other than one which may be heard ex parte, and notice of the hearing thereof shall be served not later than five (5) days before the time specified for the hearing, unless a different period is fixed by these rules or by order of the court.

Such an order may for cause shown be made on ex parte application. When a motion is supported by affidavit, the affidavit shall be served with the motion, and opposing affidavits may be served not later than one (1) day before the hearing, unless the court permits them to be served at some other time.

(d) *Additional time after service by mail.* Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after the service of a notice or other paper upon him or her and the notice or paper is served upon him or her by mail, one (1) day shall be added to the prescribed period.

26. Motions. - An application to the court for an order shall be by motion. A motion other than one made during a trial or hearing shall be in writing unless the court permits it to be made orally. It shall state with particularity the grounds upon which it is made and shall set forth the relief or order sought. It may be supported by affidavit. The requirement of writing is fulfilled if the motion is stated in a written notice of the hearing of the motion.

27. Dismissal. - (a) *By prosecution officer or attorney for state or municipality.* The prosecution officer or the attorney for the state or municipality may dismiss a summons and the prosecution shall thereupon terminate. The dismissal shall be in writing, either on the customary judgment form or on a separate writing. It shall be dated and signed; the name of the person dismissing the summons shall be printed legibly beneath the signature. A dismissal may not be filed during the trial without the consent of the defendant.

(b) *By the court.* If a defendant is subjected to unreasonable and prejudicial delay in bringing a summons to trial, a motion to dismiss may be heard and granted if it is found to be meritorious and in the interests of justice. If a prosecutorial agency is subjected to prejudicial delay in bringing a summons to trial due to the abusive or dilatory actions of a defendant, a motion for the entry of default judgment may be heard and granted if it is found to be meritorious and in the interests of justice.

28. Service and filing of papers. - (a) *Service: When required.* Written motions other than those which are heard ex parte, written notices and similar papers shall be served upon each of the parties.

(b) *Service: How made.* Whenever under these rules or by an order of the court service is required or permitted to be made upon a party represented by an attorney, the service shall be made upon the attorney unless service upon the party himself or herself is ordered by the court. Service upon the attorney or upon a party shall be made in the manner provided in civil actions.

(c) *Notice of orders.* Immediately upon the entry of an order made on a written motion subsequent to arraignment and which is not issued orally from the bench, the clerk shall mail to each party a notice thereof and shall make a note in the docket of the mailing.

(d) *Filing: No proof of service required.* All papers required to be served shall be filed with the court either before service or within a reasonable time thereafter. Such filing by a party or party's attorney shall constitute a representation by him or her that a copy of the paper has been or will be served upon each of the other parties as required by subdivision (a) of this rule. No further proof of service is required unless an adverse party raises a question of notice. In such instance the affidavit of the person making service shall be prima facie evidence.

(e) *Filing with the court defined.* The filing of pleadings and other papers with the court as

required by these rules shall be made by filing them with the clerk of the court, except that the judge may permit the papers to be filed with him or her, in which event he or she shall note thereon the filing date and forthwith transmit them to the office of the clerk.

(f) *Effect of failure to file.* If any party to an action fails to file within five days after the service any of the papers required by this rule to be filed, the court, on motion of any party or of its own initiative, may order the papers to be filed forthwith, and if the order be not obeyed, the court may order them to be regarded as stricken and their service to be of no effect.

29. Appearance, withdrawal, and excusal of attorneys. - (a) *Appearance.* The attorney for a defendant in a civil traffic violation action shall forthwith file his or her appearance in writing with the clerk of the court wherein the action is pending.

(b) *Withdrawal.* (1) *By motion.* An attorney who has appeared on behalf of any defendant in a civil traffic violation action may not withdraw unless he or she first obtains the consent of the court. All withdrawals shall be upon motion with notice to the defendant and the attorney for the State or prosecuting officer. A motion to withdraw shall not be granted unless the attorney who seeks to withdraw shall append to his or her motion the last known address of his or her client, which shall be the official address to which notices may be sent. A motion to withdraw shall be accompanied by an affidavit setting forth facts showing the military status of the defendant. If it appears that the defendant is in the military service of the United States, as defined in the Soldiers' and Sailors' Civil Relief Act of 1940, and any amendments thereto, the motion shall not be granted unless the defendant consents thereto in writing or another attorney appears of record as counsel at the time of such withdrawal.

(2) *By stipulation.* Where a defendant for whom an attorney has filed an entry of appearance is desirous of substituting new counsel a stipulation may be entered pursuant to which the first counsel withdraws his or her entry and replacement counsel enters his or her appearance. Such a stipulation shall not be entered where the substitution of counsel shall be cited by the defendant as a justification for delay of proceedings.

(c) *Excusal.* No attorney shall be excused from attendance upon the traffic tribunal except upon application to the Chief Judge or the administrative judge or magistrate in the absence of the Chief Judge, and such excuse from attendance shall be granted on such terms and conditions as the Court may set. In case of the sudden illness of an attorney, or the attorney's absence from a hearing for some other imperative and unforeseen cause, a Judge shall take such action, without notice, as shall appear reasonable in the circumstances.

30. Courts and clerks. - (a) *Traffic Tribunal always open; Clerk's office.* Subject to law, the Traffic Tribunal shall be deemed always open for the purpose of filing any proper paper, of issuing and returning process and of making motions and orders. The clerk's office with the clerk or deputy or an assistant in attendance shall be open during business hours on all days except Saturdays, Sundays, and legal holidays. Cases may be assigned for trial on any day, Monday through Friday, of each week of the year except that no cases shall be assigned to a legal holiday or such other days as the Chief Judge shall set.

(b) *Calendars.* The calendar of cases to be heard will be posted at each hearing site on the day of hearing.

(c) *Time of calendars.* The judge or magistrate of the Court, or his/her clerk, shall call each day's calendar at 9:00 A.M., or at such other times as the Chief Judge may set.

(d) *Cancellation of calendars.* If a day's calendars are cancelled due to inclement weather or other unforeseen circumstance, all cases on said calendars shall be reassigned to the next day when the court shall be open for business and shall be called at the same time as originally established.

31. Appeals panel. - The Chief Judge of the District Court shall establish an appellate panel consisting of three (3) or more judges or magistrates of the traffic tribunal and shall designate a presiding officer for each panel so appointed.

32. Review of administrative action. - (a) *Mode of review.* When a statute provides for review by the Traffic Tribunal of any action by a governmental agency, department, board, commission, or officer, whether by appeal or petition or otherwise, proceedings for such review shall be instituted by filing a complaint with the tribunal. The complaint shall include a concise statement of the grounds upon which the plaintiff contends he or she is entitled to relief, and shall demand the relief to which the plaintiff believes himself or herself entitled. No responsive pleading need be filed unless required by statute or by order of the tribunal.

(b) *Time limits-notice.* The time within which review may be sought shall be provided by law. A copy of the complaint shall be served upon the governmental agency, department, board, commission or officer, and upon all other parties to the proceeding to be reviewed in the manner provided by Rule 28.

(c) *Trial or hearing.* These rules, so far as they are applicable, shall govern the review proceedings. The judgment of the court shall affirm, reverse, or modify the decision under review as provided by law.

(d) *Review by appeals panel.* Appeal may be taken from any judgment of the court in any action shall be taken to the appeals panel in the manner provided by these rules.

33. Refusal to submit to chemical test cases. - (a) *General procedure.* The adjudication of summonses which include charges brought for violation of section 31-27-2.1 of the general laws may follow the procedure established by these rules except that arraignment in refusal cases shall be scheduled two (2) calendar weeks after the date the citation was issued. The judicial review of the officer's report for the possible suspension of license shall be conducted at the arraignment on said charge.

(b) *Provisional procedures.* Pending the implementation of the procedures enumerated in subdivision (a) of this rule, the traffic tribunal may continue to follow the procedures for refusal cases in effect at the time of the promulgation of these rules, except that all refusal cases where no arraignment shall have been held shall be scheduled for trial within thirty (30) days after the date the citation was issued. Any motion by a defendant to prevent or stay the entry of an order of license suspension shall be made pursuant to Rule 26 and shall be made with notice to the department of the attorney general except where delay for purposes of notice would result in immediate and manifest injustice.

(c) *Consolidation of probable cause charges.* All other charges that are brought arising out of the same incident that constitute the probable cause for the request that the defendant submit to the chemical test shall be brought before the traffic tribunal together with the charge pursuant to section 31-27-2.1.

34. Notice. - Whenever, pursuant to these rules, notice of a future court date is provided to a defendant, it shall be provided in hand whenever possible. Whenever service in hand is not possible, it shall be provided by regular mail to any address given to the tribunal by the defendant during the case. In the absence of such a previously provided address, notice shall be sent to the address submitted by the defendant-motorist to the registry pursuant to the duty imposed by section 31-10-32 of the general laws.

35. Effective date. - These rules shall take effect when approved by the Supreme Court. They govern all civil traffic violation proceedings thereafter commenced and so far as just and practicable all proceedings then pending.

36. Title. - These rules may be known and cited as the Traffic Tribunal Rules of Procedure and may be cited as Traffic Trib. R. P.